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General Assembly

Sixty-first session

Official Records

107th plenary meeting
Thursday, 13 September 2007, 10 a.m.
New York

President: Ms. Al-Khalifa ..... (Bahrain)

The meeting was called to order at 10.25 a.m.

Tribute to the memory of Ms. Angie Brooks-Randolph, President of the twenty-fourth session of the General Assembly, and Mr. Gaston Thorn, President of the thirtieth session of the General Assembly

The President: It is my sad duty to inform members of the Assembly of the passing on 9 September 2007 of Ms. Angie Brooks-Randolph, former diplomat of Liberia and President of the General Assembly at its twenty-fourth session, and on 26 August 2007 of Mr. Gaston Thorn, former Prime Minister of Luxembourg and President of the General Assembly at its thirtieth session.

Ms. Brooks-Randolph was the first Associate Justice of Liberia and had a distinguished career in Government administration, legal education and the promotion of gender equality. In 1969, she became the first African woman to be elected President of the General Assembly.

Mr. Gaston Thorn had a long and prominent career as a politician and businessman of his country and also served as Chairman of the European Commission from 1981 to 1985.

As Presidents of the General Assembly, both Ms. Angie Brooks-Randolph and Mr. Gaston Thorn played outstanding roles in this Organization and made a major contribution towards the achievement of the objectives set out in the Charter of the United Nations.

On behalf of the General Assembly, I should like to convey our deepest condolences to the Government and the people of Liberia and Luxembourg, respectively, and to the bereaved families of Ms. Brooks-Randolph and Mr. Thorn.

I now invite representatives to stand and observe a minute of silence in tribute to the memory of Ms. Angie Brooks-Randolph and Mr. Gaston Thorn, former Presidents of the General Assembly.

The members of the General Assembly observed a minute of silence.

The President: I call on the representative of Zimbabwe, who will speak on behalf of the Group of African States.

Mr. Chidyausiku (Zimbabwe): The African Group wishes to express through you, Madame, to the people and Government of Liberia and to the Government of Luxembourg its deepest condolences as we pay tribute on this solemn occasion to the illustrious life-time achievements attained by two of your predecessors, Ms. Angie Brooks-Randolph, Liberia's first Associate Justice and the first female President of the General Assembly, and Mr. Gaston Thorn, Prime Minister, Minister for Foreign Affairs and Foreign Trade of Luxembourg and the President of the General Assembly at its thirtieth session.

Angie Brooks-Randolph's achievements are best captured in the statement released by President Ellen Johnson-Sirleaf of Liberia, herself a trailblazer and continental pace-setter, who described her as a woman

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of great substance whose unmatched characteristics and sterling qualities illuminated Liberia's and, indeed, Africa's image on the international stage at the United Nations, where she chaired with distinction in several capacities in the 1950s and 1960s. Africa joins the rest of the world in paying tribute for the loss of such a quintessential talent.

The President of the General Assembly at its thirtieth session, Mr. Gaston Thorn, was a man of unmatched talent, possessing exceptional leadership qualities that saw him hold the posts of Prime Minister of Luxembourg and Chairman of the European Commission. The Africa Group also pays homage to his achievements and valuable contributions to humanity in general. May their souls rest in peace.

The President: I now call on the representative of the Philippines, who will speak on behalf of the Group of Asian States.

Mr. Davide (Philippines): On behalf of the Asian Group, which I am chairing for the month of September, I wish to express, at this moment of great sorrow, my most sincere and deepest condolences to the Government, the Permanent Mission and the people of Liberia on the passing away of Ambassador Angie Brooks-Randolph on 9 September and to the Government, the Permanent Mission and the people of Luxembourg on the passing away of Ambassador Gaston Thorn on 26 August.

Being the first Liberian female lawyer — who became Vice-President for Africa of the International Federation of Women Lawyers and, later, the Federation's President — and obtaining two doctor of laws degrees were only two of the many trailblazing accomplishments of Ambassador Brooks-Randolph. I need not stress that she was an inspiring leader in global strides in the areas of gender rights and empowerment of women. She served the United Nations in various capacities: as Vice-Chairperson and eventually Chairperson of the Committee dealing with Trust and Non-Self-Governing Territories, Vice-President of the Committee on Information from Non-Self-Governing Territories, Chairperson of the Commission for Rwanda-Burundi, Chairperson of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands and Vice-President and then President of the Trusteeship Council. Enthusiastic in her conviction and steadfast in her beliefs, she held positions that demonstrated a singular passion for and commitment to the ideals of democracy, independence, justice and the rule of law.

As the international political arena was mired in the conflicts in South-East Asia and the Middle East in 1969, it was only fitting that this warm, nurturing and powerful soul, the mother of two sons and the delight of 47 other youngsters, should bring order to chaos and preside over the General Assembly at its twenty-fourth session. Always brimming with hope, she said that the United Nations could and should remain the best means of international cooperation that has ever been at mankind's disposal, but that we have to nourish, cherish and cultivate it. Prophetically, those words apply to us now.

We also honour today the memory of Ambassador Gaston Thorn, another lawyer, who also obtained a doctor of law degree and whose passion for law and justice, democracy and liberalism became a way of life. Indeed, he became President of Liberal International, a non-governmental organization whose main objective is to promote liberal ideas and liberalism as a political philosophy.

Ambassador Thorn was a complete diplomat whose skills in conciliation and whose refined knowledge of various cultures and languages were well known. Presiding over the General Assembly during its thirtieth session, he courageously guided the United Nations through the difficult issues of terrorism, colonial independence, the exodus of refugees and migration with much aplomb. We are saddened by his demise, and Luxembourg has lost one of its finest diplomats.

Thus, the passing away of Ambassador Angie Brooks-Randolph and Ambassador Gaston Thorn is, in fact, their journey to immortality. In death, they now live forever in the hearts and minds of the Members of the United Nations. As we honour their memory, we also pay tribute to the Government and the people of Liberia for sharing with us their beloved daughter and to the Government and the people of Luxembourg for sharing with us their beloved son and to both Governments and peoples for bestowing on this institution, the United Nations, the legacy of the presidencies of Ambassador Angie Brooks-Randolph and Ambassador Gaston Thorn.

The President: I now call on the representative of Montenegro, who will speak on behalf of the Group of Eastern European States.

Mr. Kaludjerović (Montenegro): The Group of Eastern European States is deeply saddened by the passing away of two remarkable and outstanding persons: Ms. Angie Brooks, former President of the General Assembly, and Mr. Gaston Thorn, former Prime Minister of Luxembourg, European Commission President and President of the General Assembly. Their deaths have profoundly distressed us all, for their lives and personalities enormously influenced our contemporary world.

Ms. Angie Brooks, President of the General Assembly, served during the twenty-fourth session, in 1969 — a year of challenging times for the United Nations — and as the representative of Liberia, a country that has the privilege of having been the first sovereign African republic. She was the second woman and the first African woman to assume the esteemed post of General Assembly President. It is without doubt that that position was the zenith of her career. Ms. Brooks's long fight to promote the ideals of the United Nations, where she had served in a number of bodies since 1954, was clear evidence of her unyielding energy and dedication.

Mr. Gaston Thorn was a renowned man — one of the great politicians during important times and events in his own country, in the European Union and in the United Nations. Early in his life, he demonstrated tireless energy in fighting tyranny during the Second World War — energy that he later channelled into guiding and consolidating his country's political development and finally into enlarging the membership of the European Union and, at the same time, deepening its single market and economy. As President of the General Assembly at its thirtieth session, he demonstrated his exceptional humanism and his devotion to achieving the principles and ideals of the United Nations, by which he was guided. With his passing, we in the United Nations have lost a true global politician, diplomat and humanist.

In their own ways, both of these eminent personalities attached great importance to the ideas of peace, freedom, understanding, tolerance, equality and development, cherishing an extraordinary affection for multilateralism as well as for the States that they represented.

Ms. Brooks and Mr. Thorn are no longer with us, but they will be remembered for the examples that they set throughout their lives of hard work and dedication to the goals of the United Nations. On behalf of the Eastern European Group, I express our sorrow to the Government and the people of Liberia and to the Government and the people of Luxembourg, as well as to their families, friends and colleagues.

The President: I now call on the representative of Paraguay, who will speak on behalf of the Group of Latin American and Caribbean States.

Mr. Buffa (Paraguay) (*spoke in Spanish*): It is an honour to address the General Assembly on behalf of the Latin American and Caribbean Group on this occasion, when we are paying posthumous tribute to two outstanding former Presidents of the Assembly. I am referring to Ms. Angie Elisabeth Brooks and Ambassador Gaston Thorn, Presidents of the Assembly at its twenty-fourth and thirtieth sessions, respectively. They had a distinguished role before this Assembly during significant times with regard to the existence of the Organization.

Ambassador Angie Elisabeth Brooks, who was born in Liberia and who earned a doctorate in law, was the first African woman to hold the post of President of the General Assembly, at its twenty-fourth session. Before that she had a distinguished career in academia, the law, her country's supreme court and the vice-presidency of the International Federation of Women Lawyers during the 1950s, presiding over the Federation in the 1960s. In addition, Ms. Brooks distinguished herself as Vice-President of the National Political and Social Movement of Liberia in the 1960s.

Ambassador Gaston Thorn of Luxembourg, who held a doctorate in law, presided over the Assembly at its thirtieth session, following an accomplished political career. He was serving as Prime Minister and Minister for Foreign Affairs and Trade of Luxembourg when he was elected President of the Assembly. Mr. Thorn also held the post of Minister of Physical Education and Sport until 1974. Beginning in 1961, he served as president of the Democratic Party of Luxembourg, and in 1970 became President of the Liberal International movement.

Both of these distinguished persons, who contributed to the strengthening of multilateralism, took leave of the international community in August and September. September is the month of the General Assembly's annual general debate. We shall remember them during that time, following their great example.

The President: I now give the floor to the representative of Switzerland, who will speak on behalf of the group of Western European and other States.

Mr. Baum (Switzerland) (*spoke in French*): I have the honour and sad duty to address the General Assembly today on behalf of the Group of Western European and other States to pay tribute to two former Presidents of the Assembly, Ms. Angie Elisabeth Brooks of Liberia, who served as President at the twenty-fourth session, and Mr. Gaston Thorn of Luxembourg, who presided over the thirtieth session, both of whom passed away recently.

Ms. Angie Elisabeth Brooks overcame poverty to study law in the United States and London. Having had an excellent career as a jurist, she became Liberia's first woman lawyer, then a professor of law and the first woman to be a member of her country's Supreme Court. In her second career, as a diplomat, she was given great responsibilities. She was Assistant State Secretary for Foreign Affairs and served as Liberia's Permanent Representative to the United Nations. During her career, she was particularly concerned about non-self-governing territories and trusteeship territories. Her commitment in that area culminated in her becoming Chairperson of the Fourth Committee and President of the Trusteeship Council. In 1969, she became the second woman, and the first African woman, to preside over the General Assembly.

Mr. Gaston Thorn was an eminent statesman from Luxembourg. As a young man, he was involved in resistance to Nazi occupation during the Second World War, for which he was imprisoned. Following studies in France and Switzerland he was admitted to the Luxembourg bar association. Entering into politics, he represented liberal thinking. He held numerous ministerial posts, eventually serving as Minister for Foreign Affairs and Prime Minister. He was a polyglot and a great European. As a member of the European Parliament, and in particular as President of the European Commission in the early 1980s, he left his mark on the construction of the continent. He was elected President of the General Assembly in 1975.

The memory of the great figures we are honouring today take us back to another era, one that already seems remote and which was perhaps both more simple and complicated than our own. What has not changed is the concept of multilateralism, which all Member States share and which is reflected in our commitment to the United Nations. In that sense, the commitment of the Presidents of the twenty-fourth and thirtieth sessions of the General Assembly deserves our deep respect.

On behalf of the Group of Western European and other States, allow me to convey my sincere sympathy to the Governments and peoples of Liberia and Luxembourg at this painful time. In particular, we extend our condolences to the families and close friends of Angie Elisabeth Brooks and Gaston Thorn.

The President: I now give the floor to the representative of Liberia.

Mrs. Osode (Liberia): Death has once again claimed a victim from among us. It is with deep emotion that I stand at this rostrum to pay tribute to Ms. Angie Elisabeth Brooks, whose passing away on Sunday, 9 September 2007, brought profound grief to her family, colleagues and friends. The world has lost a woman who was so able and so vigorous as a representative of our country.

In 1969, Miss Brooks became the twenty-fourth, and second female, President of the General Assembly. Her election was a moving tribute to Africa, to a sovereign republic, Liberia, and to her personal distinction. She had boldness, humour and the capacity to take on the points which suited her purposes. Her colleagues saw her as a woman who rendered the most faithful service to her Government. She never lost faith in the usefulness and purposes of the United Nations.

In paying tribute to Ms. Brooks on her passing on Monday, Madame Ellen Johnson-Sirleaf, President of the Republic of Liberia, hailed Angie Elisabeth Brooks as a true trailblazer and a continental pace-setter, a woman of great substance whose unmatched characteristics and sterling qualities illuminated Liberia's image on the international scene through the able representation of the country at the highest international stage — the United Nations, where she served with distinction in the 1950s and 1960s. The President went on to say that undoubtedly the passing of this most distinguished trailblazer from the African and world scene will not only be recorded in the history books, but that her memory would be immortalized by the work that other women do to promote gender equality and international peace.

Ms. Brooks was always focused and determined. She often told the story of how the late President William V.S. Tubman of Liberia, realizing her tenacity and responding to her personal entreaty of him, granted her repeated requests for funding to study in the United States, thus fulfilling her dream.

After working with the Justice Department of Liberia, Ms. Brooks was appointed to the Liberian delegation to the United Nations in 1954. Starting in 1954, Ms. Brooks had an illustrious career with the United Nations and served in the following capacities. In 1956 she served as Vice-Chairman of the Assembly's Fourth Committee, which monitored Trust and non-self-governing Territories. In 1961 she became that Committee's Chairman. She was chairman of the United Nations Commission for Ruanda-Urundi in 1962, Chairman of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands in 1964, Vice-President of the Trusteeship Council in 1965 and President of the Trusteeship Council, the watchdog of the Trust Territories, in 1966. She was the first woman and first African woman to serve in that capacity.

Ms. Brooks served as Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Liberia to the United Nations from 1975 to 1977 and I was very pleased to serve under her leadership. Ms. Brooks held several degrees, including a Bachelor of Arts degree in social sciences from Shaw University, Raleigh, North Carolina, obtained in 1949; a Bachelor of Law degree and Master of Science degree in political science from the University of Wisconsin, obtained in 1952; and Doctor of Law degrees from Shaw University and Howard University, obtained in 1962 and 1967 respectively. In 1952, Ms. Brooks completed graduate work in international law at University College Law School of London University and obtained a Doctor of Civil Law degree from the University of Liberia in 1964.

Ms. Brooks was admitted as counsellor-at-law at the Supreme Court of Liberia in August 1953 and served as Attorney-General of Liberia from August 1953 to March 1958. She served as Associate Justice of the Supreme Court of Liberia from 1977 to 1980. From 1956 to 1958, she was Liberia's Vice-President of the International Federation of Women Lawyers. She served as the Federation's Vice-President for Africa from 1959 to 1960 and as President of the Federation from 1964 to 1967. In 1958, she represented Liberia and the Federation at the first session of the United Nations Economic Commission for Africa.

Ms. Brooks served as Ambassador Extraordinary and Plenipotentiary of Liberia to the Republic of Cuba from 1976 to 1977. She also served as ambassador-at-large for the Government. For two years, Ms. Brooks was Vice-President of the National Liberian Political and Social Movement, and for many years she served as the special assistant to the Executive Secretary of the Lott Carey Baptist Foreign Mission Convention.

Ms. Brooks demonstrated straightforwardness and tenacity in her approach to the most pertinent issues of her time, which won her praise. During her opening speech to the General Assembly, she did not spare the Organization her criticism, stating that the United Nations had suffered a decline in prestige in recent years because of its lack of dynamism. She said that

> "our weakness seems to lie in the fact that we all too often view world affairs somewhat parochially, as if they were being played out at the Headquarters on the East River of New York. We have sometimes failed to realize that neither oratory nor agreements between delegates, nor even resolutions or recommendations have had much impact on the course of affairs in the world at large." (*A/PV.1753, para. 54*)

I should like to stress that Ms. Brooks was significant not only because of the Government she represented, but because she was very much a personage in her own right. In her death, Liberia suffers the loss of a great patriot and a stalwart fighter for the causes she believed in for most of her life. It cannot be denied that her colleagues at the United Nations, during her tenure here, whether we agreed or disagreed with her, were under the permanent spell of her dynamic personality, the quickness of her smile, her brilliant wit and her great charm in her personal contacts.

In conclusion, having worked with Ms. Brooks at the Mission during her period as Liberia's Permanent Representative, I wish to recall that she was one of the most caring, gentle and honest persons I have come across, all one could wish for in a colleague and a friend. Ms. Brooks never ceased to be a simple person. She will be missed just as much for her charm and natural elegance as for her candid manner with people at all levels, from those in high office to her most

junior colleagues. To Ms. Brooks, who has today gone to rest, we can pay no loftier tribute than to offer in remembrance of her the great memory Africans bear in common and the hopes for peace which all of our people share. May her soul and all the souls of the faithful departed, through the mercy of God, rest in peace.

The President: I give the floor to the representative of Luxembourg.

Mr. Olinger (Luxembourg) (*spoke in French*): I should like to express my deep appreciation to you, Madam President, for having paid tribute to the memory of Mr. Gaston Thorn, honorary Minister of State of the Grand Duchy of Luxembourg and President of the General Assembly at its thirtieth session. The condolences you have extended and those extended by the representatives of the regional groups are deeply touching.

It was with great sorrow that the people of Luxembourg learned, on 26 August, of the death of Gaston Thorn, a great statesman who left his mark on Luxembourg and European politics in the 1970s and 1980s. His death is a great loss for my country.

After several terms as a Liberal Deputy in the Luxembourg and European parliaments, Gaston Thorn served with commitment and energy as Minister for Foreign Affairs from 1969 to 1979, as Prime Minister from 1974 to 1979 and as President of the European Commission from 1981 to 1985.

As President of the European Commission at a difficult time in the mid-1980s — described as a time of Euro-sclerosis — Gaston Thorn faced one of the major crises in the process of building Europe. Amidst the disorder and imbroglio of national interests, President Thorn worked to ensure that the common interest and the European cause prevailed. His strong commitment to bringing Europe closer to Africa also remains in our memory.

As Prime Minister, Gaston Thorn led the Luxembourg Government with great vision and undertook important economic and social policy reform, combining modern liberalism with social responsibility. It is notable that in 1979 under his leadership the death penalty was abolished in Luxembourg.

During his time as Luxembourg's head of Government, Gaston Thorn had the honour to serve as President of the General Assembly at its thirtieth session, in 1975 and 1976. The debate at that session was marked by controversy. To date, Mr. Thorn has been the only Luxembourg national to preside over the General Assembly; this was a source of pride for the people of Luxembourg, who are committed to the ideals of the United Nations, as our country was among the founding Members of the Organization. Gaston Thorn lent great political impetus to the work of the Assembly, a body in which he had great faith and which he held in high esteem. He devoted his life to pursuing the ideals of the United Nations: improving human well-being and working for the cause of international peace and security, development and human rights. His commitment to bringing about understanding among peoples was a leitmotif of his political career.

Permit me once again to thank you, Madam President, and all others who have taken the floor in tribute to the memory of a humanist, a man of culture, an outstanding figure in Luxembourg's contemporary history, a great European and an ardent defender of the United Nations and of the noble purposes that inspire it.

Agenda item 11

Prevention of armed conflict

Draft resolution (A/61/L.68)

The President: Members will recall that at its 2nd plenary meeting, held on 13 September 2006, the Assembly decided to include this item in the agenda of the sixty-first session.

The Assembly will now take action on draft resolution A/61/L.68. May I take it that the Assembly decides to adopt the draft resolution?

Draft resolution A/61/L.68 was adopted (resolution 61/293).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 11?

It was so decided.

Agenda item 15

Zone of peace and cooperation of the South Atlantic

Report of the Secretary-General (A/60/253 and Add.1)

Draft resolution (A/61/L.66)

The President: Members will recall that the General Assembly, by its decision 60/509 of 25 October 2005, deferred consideration of this item as well as of the report of the Secretary-General to the sixty-first session. The Assembly also decided to maintain biennial consideration of this item thereafter.

I give the floor to the representative of Angola to introduce draft resolution A/61/L.66.

Mr. Gaspar Martins (Angola): Madam President, as we approach the conclusion of the sixty-first session of the General Assembly, please accept my delegation's utmost appreciation for your able leadership and hard work during this session. Under your leadership, the General Assembly engaged in difficult but necessary discussions on the items on its agenda. Such was the case with regard to reforming the Economic and Social Council, the increasing threat posed by climate change, the challenge of achieving internationally agreed development goals including the Millennium Development Goals, and the difficult issues of reforming the Security Council and of system-wide coherence. While we must remain engaged on some of those issues, your stewardship of the General Assembly reignited the discussions when some of us thought that it was time to quit. Your innovative approach and persistent optimism have brought us closer to making the decisions necessary to revamp the Organization with a view to improving its effectiveness and its responsiveness to the challenges of today and of tomorrow.

I take the floor this morning in my capacity as Chair of the Permanent Committee of the Zone of Peace and Cooperation of the South Atlantic. It is my privilege and honour to introduce draft resolution A/61/L.66, under agenda item 15, entitled "Zone of peace and cooperation of the South Atlantic".

As members may recall, a little over two decades ago, the United Nations General Assembly, through its resolution 41/11, declared the South Atlantic a zone of peace and cooperation among its members: Angola, Argentina, Benin, Brazil, Cameroon, Cape Verde, Congo, Côte d'Ivoire, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, the Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Namibia, Nigeria, Senegal, Sao Tome and Principe, Sierra Leone, South Africa, Togo and Uruguay. Today, the zone is an effective interregional mechanism for cooperation in the areas of development, peace and security among its 24 member States.

In the area of development, members of the zone are committed to contributing to the eradication of poverty through the establishment of partnerships for sustainable development, trade, investment and tourism by increasing the exchange of knowledge and technology; promoting closer ties among business enterprises; promoting cooperation in the fields of science, technology and human resources; further developing transportation and communication; and promoting greater interaction among the civil societies of its members.

In the areas of crime prevention and combating drug trafficking, the illicit trade in small arms and light weapons and transnational organized crime, including piracy, members of the zone are committed to cooperate, including for the full implementation of the relevant United Nations programmes of action and by ensuring the exchange of information, experiences and lessons learned related to the reinforcement of border security and arms control policies and systems.

While recognizing the United Nations primary responsibility for the maintenance of international peace and security, the members of the zone are also committed to cooperating in the areas of peace, stability and security, including conflict prevention and peacebuilding within the zone. That cooperation is geared towards improving the capacity of zone members to participate and engage in peacebuilding and peace support operations by increasing cooperation with the international community and among the members of the zone on issues such as capacity-building, logistics and information exchange, as well as by promoting the use of existing training schools and the international and regional peacekeeping training centres. Furthermore, the members of the zone are also engaged in the area of scientific research, environmental and marine issues with a view to strengthening human and institutional capacities for the protection and responsible management of their marine resources.

The introduction of today's draft resolution comes on the heels of the sixth ministerial meeting of the zone, held in Luanda on 18 and 19 June, at which its members adopted the Luanda Declaration and an action-oriented Plan of Action. Those documents are available to the membership in document A/61/1019. The Plan of Action is the embodiment of the collective efforts of all States members of the zone that participated actively in the three thematic preparatory workshops in New York, Montevideo and Buenos Aires prior to the meeting in Luanda.

The draft resolution before the Assembly is the result of an inclusive, constructive dialogue and represents the consensus reached in open and transparent informal consultations, to which the entire membership was welcomed. The draft resolution welcomes the holding of the sixth ministerial meeting of the zone and takes note with appreciation of the adoption of the Luanda Declaration and Plan of Action. Furthermore, it requests relevant organs and bodies of the United Nations system and invites relevant partners, including the international financial institutions, to render all appropriate assistance that States members of the zone may seek in their joint efforts to implement the Luanda Plan of Action.

I would like to take this opportunity to thank Member States for their participation in the consultation process and, in particular, those that sponsored the draft. It is my expectation that the draft resolution will enjoy the consent of all Member States.

The President: We shall now proceed to consider draft resolution A/61/L.66.

Before giving the floor to speakers in explanation of vote before the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

I now call on the representative of the United States for an explanation of vote.

Mr. Hagen (United States of America): Angola's efforts in sponsoring the draft resolution are to be commended, and the United States appreciates Angola's efforts in promoting the principles declared by the members of the South Atlantic community.

Nonetheless, the United States will disassociate itself from consensus or abstain if there is a vote on the draft resolution because of its belief that internationally recognized zones should be created through multilateral regional forums and not through United Nations resolutions. Additionally, the United States does not support the concept set out in the Luanda Declaration concerning the characterization of marine genetic resources in areas beyond national jurisdiction, nor does the United States provide legally binding non-use assurances to States within a nuclear-weapon-free zone unless its ships and aircraft may pass through the zone without having to declare whether or not they are carrying nuclear weapons.

The President: We have heard the only speaker in explanation of vote.

Before we proceed to take action on the draft resolution, I should like to announce that, since its introduction, Cameroon, Equatorial Guinea, Gabon, Gambia, Honduras, Liberia, Namibia, Nepal and Timor-Leste have become sponsors of draft resolution A/61/L.66.

The Assembly will now take a decision on draft resolution A/61/L.66. A similar draft resolution was adopted without a vote at the fifty-eighth session. May I take it that it is the wish of the Assembly to adopt draft resolution A/61/L.66?

Draft resolution A/61/L.66 was adopted (resolution 61/294).

The President: Before giving the floor to speakers in explanation of vote after adoption, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

I now call on the representative of the United Kingdom, who wishes to explain her delegation's position on the resolution just adopted.

Ms. Pierce (United Kingdom): The United Kingdom welcomes the continuing cooperation between States in the zone of peace and cooperation of the South Atlantic. However, with reference to the Luanda Declaration issued by those States, the United Kingdom would like to reiterate its position on the issue of sovereignty of the Falkland Islands. The United Kingdom's position on this issue is well known and was last set out in detail by the United Kingdom's Permanent Representative to the United Nations, Sir Emyr Jones Parry, in a letter to the Secretary-General on 15 January 2007.

The United Kingdom has no doubts about its sovereignty over the Falkland Islands. There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the islanders so wish.

The President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 15?

It was so decided.

Agenda item 26

Report of the Peacebuilding Commission

Letter from the Acting Chair of the Peacebuilding Commission (A/61/1035)

The President: Members will recall that, at its 2nd plenary meeting on 13 September 2006, the Assembly decided to include agenda item 26 on the agenda of the sixty-first session.

In connection with this item, the Assembly now has before it a letter dated 16 August 2007 from the Acting Chair of the Peacebuilding Commission addressed to the President of the General Assembly (A/61/1035). In her letter, the Acting Chair of the Peacebuilding Commission, on behalf of the members of the Organizational Committee of the Peacebuilding Commission, suggests that the first annual report of the Peacebuilding Commission, which has been issued in document A/62/137, be considered by the Assembly during the main part of the sixty-second session.

May I take it that it is the wish of the General Assembly to defer consideration of this item and to include it in the draft agenda of its sixty-second session?

It was so decided.

The President: The Assembly has thus concluded its consideration of agenda item 26.

Agenda item 33 (continued)

Comprehensive review of the whole question of peacekeeping operations in all their aspects

Report of the Ad Hoc Open-ended Working Group on Assistance and Support to Victims of Sexual Exploitation and Abuse (A/61/1044)

The President: In connection with this item, the Assembly has before it a draft decision contained in paragraph 14 of the report of the Ad Hoc Working Group on Assistance and Support to Victims of Sexual Exploitation and Abuse (A/61/1044).

The Assembly will now take action on the draft decision recommended by the Ad Hoc Open-ended Working Group on Assistance and Support to Victims of Sexual Exploitation and Abuse in paragraph 14 of its report. May I take it that the Assembly decides to adopt the draft decision?

The draft decision was adopted.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 33?

It was so decided.

Agenda item 152

Report of the Secretary-General on the Peacebuilding Fund

Letter dated 7 September 2007 from the Secretary-General to the President of the General Assembly (A/61/1042)

The President: Members will recall that at its 2nd plenary meeting, on 13 September 2006, the Assembly decided to include this item in the agenda of the sixty-first session.

In connection with this item, the Assembly now has before it a letter dated 7 September 2007 from the Secretary-General to the President of the General Assembly (A/61/1042). In his letter, the Secretary-General suggests that his first annual report on the Peacebuilding Fund, which has been issued under the symbol A/62/138, be considered by the Assembly during the main part of the sixty-second session.

May I take it that it is the wish of the General Assembly to defer consideration of this item and to include it in the draft agenda of its sixty-second session?

It was so decided.

The President: The Assembly has thus concluded its consideration of agenda item 152.

Agenda item 68 (continued)

Report of the Human Rights Council

Draft resolution (A/61/L.67)

The President: Members will recall that the General Assembly held a debate on this item at its 51st plenary meeting, on 10 November 2006, and adopted resolution 61/177, entitled "International Convention for the Protection of All Persons from Enforced Disappearance", on 20 December 2006.

In connection with this item, the Assembly now has before it a draft resolution entitled "United Nations Declaration on the Rights of Indigenous Peoples", issued as document A/61/L.67.

I now give the floor to the representative of Peru to introduce draft resolution A/61/L.67.

Mr. Chávez (Peru) (*spoke in Spanish*): It is an honour for the delegation of Peru to introduce document A/61/L.67, which contains the text of the draft resolution whereby the General Assembly would adopt the United Nations Declaration on the Rights of Indigenous Peoples. The draft resolution is sponsored by Andorra, Armenia, Austria, Belgium, Bolivia, Costa Rica, Croatia, Cuba, Cyprus, Denmark, the Dominican Republic, Ecuador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Nauru, Nicaragua, Panama, Portugal, Serbia, Slovenia, South Africa, Spain, Switzerland, the former Yugoslav Republic of Macedonia and Timor-Leste.

Today, the General Assembly faces the enormous responsibility and challenge of bridging a significant gap in the area of promoting and protecting human rights: the protection of indigenous peoples. As attested by the various human rights protection mechanisms, such peoples are among the most vulnerable groups.

The process that brings us here began in 1982, within an expert group of the SubCommission on Prevention of Discrimination and Protection of Minorities. Thirteen years later, that group submitted to the former Commission on Human Rights a first draft declaration on the rights of indigenous peoples. Beginning in 1995, the draft was submitted for consideration to a working group of the Commission. I must stress that, for the first time in the history of the United Nations, representatives of indigenous peoples, who would enjoy the rights cited in the Declaration, actively participated in such a working group, lending unquestionable legitimacy to the document.

The working group concluded its work in 2006 with a draft text adopted that year by the Human Rights Council and submitted to the General Assembly for consideration during the present session. In our sphere of competence, the Third Committee decided last November to postpone its consideration of the Declaration so as to have more time to continue consultations in that regard. It also decided to conclude its consideration of the item during the present session.

Pursuant to those decisions, various efforts were made in recent months to address the concerns that a number of Member States expressed about the draft Declaration adopted by the Human Rights Council. As a result of those efforts and the will to find areas of agreement, a revised draft version was elaborated that made several clarifications to the text, which we now present to the General Assembly for adoption. Those clarifications have been duly communicated to Member States and to representatives of indigenous peoples. On the basis of our consultations, we are convinced that the changes do not undermine the substantive aspects of the protection of indigenous peoples and, at the same time, that they guarantee adoption of the Declaration at the present session.

Now that this 25-year process is concluding, I wish to particularly thank you, Madam President, and your facilitator, Ambassador Davide of the Philippines, for your efforts to bring the parties together. I also express my gratitude for the flexibility shown by our interlocutors, both governmental representatives and representatives of indigenous peoples. We are certain that this text will lay the foundations for a sound new relationship between the world's indigenous peoples and the States and societies in which they live and with which they coexist.

In that connection, we call upon all delegations to join in this human rights and development initiative and to adopt the draft resolution without a vote.

The President: We shall now proceed to consider draft resolution A/61/L.67.

Before giving the floor to speakers in explanation of vote before the voting, may I remind members that explanations of vote are limited to 10 minutes and should be made by representatives from their seats.

Mr. Hill (Australia): Australia has actively worked to ensure the adoption of a meaningful declaration. We have seized every opportunity within the Commission on Human Rights Working Group on the draft declaration on the rights of indigenous peoples, the Human Rights Council and the further consultation process mandated by resolution 61/178 to engage constructively in the elaboration of the declaration. Within that process, Australia and others repeatedly called for a chance to participate in the negotiations on the current text of the declaration.

We are deeply disappointed that no such opportunity has been afforded to us. Having an opportunity to negotiate the text would have allowed us to work constructively with the entire membership of the United Nations to improve the declaration, and might have resulted in a text that enjoyed consensus. Australia wanted to ensure that any declaration could become a tangible and ongoing standard of achievement that would be universally accepted, observed and upheld. In our view, the text of the declaration before us fails to reach that high standard. Australia continues to have many concerns with the text. I would now like to touch upon a few of them.

The first has to do with self-determination. The Australian Government has long expressed its dissatisfaction with the references to self-determination in the declaration. Self-determination applies to situations of decolonization and the break-up of States into smaller States with clearly defined population groups. It also applies where a particular group within a defined territory is disenfranchised and is denied political or civil rights. It is not a right that attaches to an undefined subgroup of a population seeking to obtain political independence. The Government of Australia supports and encourages the full and free engagement of indigenous peoples in the democratic decision-making processes in their country, but it does not support a concept that could be construed as encouraging action that would impair, even in part, the territorial and political integrity of a State with a system of democratic representative Government.

Secondly, with regard to lands and resources, the declaration's provisions could be read to require recognition of indigenous rights to lands without regard to other existing legal rights pertaining to land, both indigenous and non-indigenous. It is important to stress that any right to traditional lands must be subject to national laws, otherwise the provisions would be both arbitrary and impossible to implement, with no recognition being given to the fact that ownership of land may lawfully vest in others — for example, through grants of freehold or leasehold interests in land. Many national legal systems, including Australia's, also provide for lawful compulsory acquisition of interests in land. Australia will read the lands and resources provisions of the declaration in line with its existing domestic laws, including the Native Title Act, which includes provisions for the compulsory acquisition of native title rights and interests with an entitlement to compensation.

Thirdly, with regard to free, prior and informed consent, Australia has concerns that the declaration expands any right to free, prior and informed consent too far. For example, the declaration provides that States shall obtain the free, prior and informed consent of indigenous peoples before adopting or implementing certain measures that may affect them. The scope of that proposed right is too broad. It could mean that States are obliged to consult with indigenous peoples about every aspect of law that might affect them. That would not only be unworkable, but would also apply a standard for indigenous peoples that does not apply to others in the population. Australia cannot accept a right that allows a particular subgroup of the population to be able to veto legitimate decisions of a democratic and representative Government. The provisions relating to free, prior and informed consent are also potentially inconsistent with, and go well beyond, any concept of free and informed consent that may be developing in other international forums.

With regard to intellectual property, Australia does not support the inclusion in the text of intellectual property rights for indigenous peoples. Australia extends protection to indigenous cultural heritage, traditional knowledge and traditional cultural expressions to the extent that it is consistent with Australian and international intellectual property law. However, Australia will not provide sui generis intellectual property rights for indigenous communities as envisaged in the declaration.

With regard to third-party rights, in seeking to give indigenous people exclusive rights over property, both intellectual, real and cultural, the declaration does not acknowledge the rights of third parties — in particular the rights of third parties to access indigenous land, heritage and cultural objects where appropriate under national law. The declaration fails to

consider the different types of ownership and use that can be accorded to indigenous people and fails to consider the rights of third parties to property.

With regard customary law, Australia is also concerned that the declaration places indigenous customary law in a superior position to national law. Customary law is not law in the sense that modern democracies use the term; it is based on culture and tradition. It should not override national laws and should not be used selectively to permit the exercise of practices by certain indigenous communities that would be unacceptable in the rest of the community. Australia will read the whole of the declaration in accordance with domestic laws as well as international human rights standards.

In conclusion, with regard to the nature of the declaration, it is the clear intention of all States that it be an aspirational declaration with political and moral force but not legal force. It is not intended itself to be legally binding or reflective of international law. As this declaration does not describe current State practice or actions States consider themselves obliged to take as a matter of law, it cannot be cited as evidence of the evolution of customary international law. This declaration does not provide a proper basis for legal actions, complaints or other claims in any international, domestic or other proceedings. Nor does it provide a basis for the elaboration of other international instruments, whether binding or non-binding.

Nevertheless, the text contains recommendations regarding how States can promote the welfare of indigenous peoples. Clearly, while the declaration will not be binding on Australia and other States as a matter of international law, we are aware that its aspirational contents will be relied on in setting standards by which States will be judged in their relations with indigenous peoples. Accordingly, the Government of Australia has been concerned throughout the negotiations to ensure that the declaration is meaningful, is capable of implementation and enjoys wide support in the international community. We believe that this declaration unfortunately fails in all those respects. Australia therefore cannot support it.

Mr. McNee (Canada): Canada has long demonstrated our commitment to actively advancing indigenous rights at home and internationally. We recognize that the situation of indigenous peoples around the world warrants concerted and concrete international action. We have strongly supported the establishment and ongoing work of the Permanent Forum on Indigenous Issues and the Special Rapporteur on the situation of the fundamental freedoms and human rights of indigenous peoples, and have promoted the consideration of indigenous issues within a variety of international conferences. We have a constructive, far-reaching international development programme targeted specifically at improving the situation of indigenous peoples in many parts of the world.

Canada continues to make further progress at home, working within constitutional guarantees for aboriginal and treaty rights, and with negotiated self-government and land claims agreements with several aboriginal groups in Canada. Canada also intends to continue active international engagement, both multilaterally and bilaterally. It is therefore with disappointment that we find ourselves having to vote against the adoption of this Declaration as drafted.

Since 1985, when the United Nations expert Working Group on Indigenous Populations decided to produce a declaration on indigenous rights, Canada has been an active participant in its development. Canada has long been a proponent of a strong and effective declaration that would promote and protect the human rights and fundamental freedoms of every indigenous person without discrimination and recognize the collective rights of indigenous peoples around the world. We have sought for many years, along with others, an aspirational document that would advance indigenous rights and promote harmonious arrangements between indigenous peoples and the States in which they live.

However, the text that was presented at the Human Rights Council in June 2006 did not meet such expectations and did not address some of our concerns. That is why Canada voted against it. We also expressed dissatisfaction with the process followed in Geneva.

Canada's position has remained consistent and based on principle. We have stated publicly that Canada has significant concerns with respect to the wording of the current text, including the provisions on lands, territories and resources; on free, prior and informed consent when used as a veto; on self-government without recognition of the importance of negotiations; on intellectual property; on military

issues; and on the need to achieve an appropriate balance between the rights and obligations of indigenous peoples, Member States and third parties.

The recognition of indigenous rights to lands, territories and resources is important to Canada. Canada is proud of the fact that aboriginal and treaty rights are given strong recognition and protection in Canada's constitution. We are equally proud of the processes that have been put in place to deal with aboriginal claims respecting those rights and are working actively to improve these processes to address such claims even more effectively. Unfortunately, the provisions in the Declaration on lands, territories and resources are overly broad and unclear and are susceptible of a wide variety of interpretations, discounting the need to recognize a range of rights over land and possibly putting into question matters that have already been settled by treaty in Canada.

Mr. Wali (Nigeria), Vice-President, took the Chair.

Similarly, some of the provisions dealing with the concept of free, prior and informed consent are unduly restrictive. Provisions such as article 19 provide that the State cannot act on any legislative or administrative matter that may affect indigenous peoples without obtaining their consent. While there are already strong consultation processes in place, and while Canadian courts have reinforced these as a matter of law, the establishment of a complete veto power over legislative and administrative action for a particular group would be fundamentally incompatible with Canada's parliamentary system.

In Geneva, leading up to the Human Rights Council's adoption of the text, and in New York throughout this session of the General Assembly, Canada has been very clear in proposing that further negotiations take place in an open and transparent process with the effective involvement of indigenous peoples. Over the past year, had there been an appropriate process to address these concerns, and the concerns of other Member States, a stronger declaration could have emerged, one acceptable to Canada and other countries with significant indigenous populations and which could have provided practical guidance to all States. Very unfortunately, such a process has not taken place. The few modifications presented to the General Assembly at the last minute did not arise from an open, inclusive or transparent process and do not address key areas of concern of a number of delegations, including Canada's.

It is particularly unfortunate that a number of States, such as Canada, with significant indigenous populations, cannot solidly support the adoption of this particular text as a meaningful and effective United Nations declaration on the rights of indigenous peoples.

(*spoke in French*)

However, allow me to reiterate that Canada will continue to take effective action, at home and abroad, to promote and protect the rights of indigenous peoples based on our existing human rights obligations and commitments. Such effective action, we must be clear, would not be undertaken on the basis of the provisions of this Declaration.

By voting against the adoption of this text, Canada puts on record its disappointment with both the text's substance and the process leading to it. For clarity, we also underline our understanding that this Declaration is not a legally binding instrument. It has no legal effect in Canada, and its provisions do not represent customary international law.

In conclusion, for the reasons stated today, Canada will vote against adoption of this text.

Ms. Banks (New Zealand): New Zealand is one of the few countries that from the start supported the elaboration of a declaration that promoted and protected the rights of indigenous peoples.

In New Zealand, indigenous rights are of profound importance. They are integral to our identity as a nation-State and as a people. New Zealand is unique: a treaty concluded at Waitangi between the Crown and New Zealand's indigenous people in 1840 is a founding document of our country. Today, we have one of the largest and most dynamic indigenous minorities in the world. The Treaty of Waitangi has acquired great significance in New Zealand's constitutional arrangements, law and government activity.

The place of Maori in society, their grievances and the disparities affecting them are central and enduring features of our domestic debate and of Government action. Furthermore, New Zealand has an unparalleled system for redress, accepted by indigenous and non-indigenous citizens alike. Nearly

40 per cent of the New Zealand fishing quota is owned by Maori as a result. Claims to over half of New Zealand's land area have been settled.

For those reasons, New Zealand fully supports the principles and aspirations of the Declaration on the Rights of Indigenous Peoples. New Zealand has been implementing most of the standards in the Declaration for many years. We share the belief that a declaration on the rights of indigenous peoples is long overdue and the concern that, in many parts of the world, indigenous peoples continue to be deprived of basic human rights.

New Zealand is proud of our role in improving the text over the past three years, with the objective of turning the draft declaration into one that States would be able to uphold, implement and promote. We worked hard to the very end to narrow our concerns and to be able to support this text. We appreciate the efforts made by others, in particular the African Group.

It is therefore a matter of deep regret that we find ourselves unable to support the text before us today annexed to draft resolution A/61/L.67. Unfortunately, we have difficulties with a number of provisions in the text. Four provisions in the Declaration are fundamentally incompatible with New Zealand's constitutional and legal arrangements, with the Treaty of Waitangi and with the principle of governing for the good of all our citizens. These are article 26 on lands and resources, article 28 on redress and articles 19 and 32 on a right of veto over the State.

The provision on lands and resources simply cannot be implemented in New Zealand. Article 26 states that indigenous peoples have a right to own, use, develop or control lands and territories that they have traditionally owned, occupied or used. For New Zealand, the entire country is potentially caught within the scope of the article. The article appears to require recognition of rights to lands now lawfully owned by other citizens, both indigenous and non-indigenous and does not take into account the customs, traditions and land tenure systems of the indigenous peoples concerned. Furthermore, that article implies that indigenous peoples have rights that others do not have.

In addition, the provisions on redress and compensation, in particular in article 28, are unworkable in New Zealand despite the unparalleled and extensive processes that exist under New Zealand law in this regard. Again, the entire country would appear to fall within the scope of the article. The text generally takes no account of the fact that land may now be occupied or owned legitimately by others or subject to numerous different, or overlapping, indigenous claims. It is impossible for the State in New Zealand to uphold a right to redress and provide compensation for value for the entire country. And indeed, financial compensation has generally not been the principal objective of most indigenous groups seeking settlements in New Zealand.

Finally, the Declaration, in particular its article 19 and paragraph 2 of article 32, implies that indigenous peoples have a right of veto over a democratic legislature and national resource management. We strongly support the full and active engagement of indigenous peoples in democratic decision-making processes. Seventeen per cent of our parliament identifies as Maori, compared to 15 per cent of the general population. We also have some of the most extensive consultation mechanisms in the world, where the principles of the Treaty of Waitangi, including the principle of informed consent, are enshrined in resource management law. But these articles in the Declaration text imply different classes of citizenship, where indigenous people have a right of veto that other groups or individuals do not have.

Unfortunately, those are not the only provisions that cause us difficulties. For example, we also have concerns about article 31 concerning intellectual property. But I have focused today on the provisions of central concern to New Zealand.

New Zealand takes international human rights and our international human rights obligations extremely seriously. But we are unable to support a text that includes provisions that are so fundamentally incompatible with our democratic processes, our legislation and our constitutional arrangements. These provisions are all discriminatory in the New Zealand context. This text is also clearly unable to be implemented by many States, including those that will be voting in favour of its adoption today.

The Declaration is explained by its supporters as being an aspirational document intended to inspire rather than to have legal effect. New Zealand does not, however, accept that a State can responsibly take such a stance towards a document that purports to declare the contents of the rights of indigenous people. We take the statements in the Declaration very seriously. For

that reason we have felt compelled to take the position that we do.

Lest there be any doubt, we place on record our firm view that the history of the negotiations on the Declaration and the divided manner in which its text has been adopted demonstrate that this text, particularly in the articles to which I have referred, does not state propositions which are reflected in State practice or which are or will be recognized as general principles of law.

In our experience, the promotion and protection of indigenous rights requires a partnership between the State and indigenous peoples that is constructive and harmonious. That is the foundation of New Zealand as a nation-State. It is with genuine regret and disappointment, therefore, that New Zealand is unable to support the Declaration on the Rights of Indigenous Peoples and must dissociate itself from that text.

Mr. Hagen (United States of America): We regret that we must vote against the adoption of the Declaration on the Rights of Indigenous Peoples, annexed to draft resolution A/61/L.67. We worked hard for 11 years in Geneva for a consensus declaration, but the document before us is a text that was prepared and submitted after the negotiations had concluded. States were given no opportunity to discuss it collectively. It is disappointing that the Human Rights Council did not respond to calls we made, in partnership with Council members, for States to undertake further work to generate a consensus text. This Declaration was adopted by the Human Rights Council in a splintered vote. That process was unfortunate and extraordinary in any multilateral negotiating exercise and sets a poor precedent with respect to United Nations practice.

The Declaration on the Rights of Indigenous Peoples, if it were to encourage harmonious and constructive relations, should have been written in terms that are transparent and capable of implementation. Unfortunately, the text that emerged from that failed process is confusing and risks endless conflicting interpretations and debate about its application, as already evidenced by the numerous complex interpretative statements that have been issued by States at its adoption in the Human Rights Council. We cannot lend our support to such a text.

Our views with respect to the core provisions of the text can be found in a separate document, entitled "Observations of the United States with respect to the Declaration on the Rights of Indigenous Peoples", which will be available in the Hall and posted on the Web site of the United States Mission to the United Nations, and which will be circulated as an official United Nations document. That document is incorporated by reference herein and discusses the core provisions of the Declaration, including but not limited to self-determination, lands and resources, redress and the nature of the Declaration. Because the flaws in the text run through its most significant provisions, the text as a whole is rendered unacceptable.

Although we are voting against this flawed document, my Government will continue its vigorous efforts to promote indigenous rights domestically. Under United States domestic law, the United States Government recognizes Indian tribes as political entities with inherent powers of self-government as first peoples. In our legal system, the Federal Government has a government-to-government relationship with Indian tribes. In that domestic context, this means promoting tribal self-government over a broad range of internal and local affairs, including determination of membership, culture, language, religion, education, information, social welfare, maintenance of community safety, family relations, economic activities, lands and resources management, environment and entry by non-members, as well as ways and means for financing those autonomous functions.

At the same time, the United States will continue its work to promote indigenous rights internationally. In its annual human rights report, the United States Department of State reports on the situation of indigenous persons in communities throughout the world. In our diplomatic efforts, we will continue our opposition to racial discrimination against indigenous individuals and communities, and continue to press for full indigenous participation in democratic electoral processes throughout the world. We will also continue with our international assistance programmes involving indigenous peoples.

We are deeply disappointed that, in seeking to make a practical difference in the lives of indigenous peoples around the globe, the international community has not been presented with a text that is clear, transparent or capable of implementation. Those fundamental shortcomings, unfortunately, mean that the document cannot enjoy universal support to become a true standard of achievement.

Mr. Rogachev (Russian Federation) (*spoke in Russian*): The Russian Federation attaches great importance to the protection of the rights of indigenous peoples and to the strengthening of international cooperation in that area. From the very outset, we adopted a responsible approach to the process of developing a United Nations declaration on the rights of indigenous peoples. We believe that the adoption of the declaration by consensus would represent a significant step forward in ensuring the interests and rights of indigenous peoples.

The President returned to the Chair.

Many provisions of the draft declaration are appropriate and acceptable to us. Russia is convinced that such an all-encompassing document as the United Nations declaration on the rights of indigenous peoples should be a balanced, carefully weighed and authoritative international text.

Unfortunately, we are obliged to note that the draft declaration before the Assembly for adoption is not such a text. We note with satisfaction that the declaration was supplemented at the last minute with provisions on the non-impairment of the integrity and political unity of sovereign and independent States. However, in our opinion that and other useful amendments are not in themselves sufficient to make the declaration a truly balanced document. As we have noted, we cannot agree with the document's provisions relating in particular to the rights of indigenous peoples to land and natural resources, and to the procedure for compensation and redress.

The text clearly does not enjoy consensus support. It has not been duly endorsed by all interested parties. Furthermore, in the course of this session, a non-transparent format was chosen for work on the document. That ensured that a group of countries, on the territory of which live a significant number of those who may be considered indigenous peoples, was excluded at a decisive stage from the negotiation process. Such an approach is a source not only of regret to us, but also of fundamental disagreement. We hope that the manner in which the declaration is to be adopted will not set a negative precedent for the General Assembly's activities or for the United Nations work in developing new norms and standards.

Having assumed a responsible approach to this important aspect of the United Nations work, the Russian Federation nevertheless notes with regret that, in the light of the foregoing, we cannot support the draft United Nations declaration on the rights of indigenous peoples and shall abstain in the voting on draft resolution A/61/L.67. However, we intend, as in the past, to make every effort to foster international cooperation in the promotion and protection of the rights of indigenous peoples.

Mr. Ehouzou (Benin) (*spoke in French*): My country supports the text of the draft United Nations declaration on the rights of indigenous peoples before the General Assembly for adoption. I recall that Benin has been a sponsor of the draft from the very outset because we are convinced that it represents progress in the field of human rights and in particular the rights of indigenous peoples.

During the negotiating procedure, countries raised legitimate concerns and, for the sake of solidarity, my delegation supported the African position so that we might take into account the misgivings expressed by the continent. Throughout the discussions on the document within the African Group, Benin continuously called for an approach of limited openness on the text in order not to engage in endless debates.

My delegation therefore welcomes the compromise achieved and it is with true pleasure that Benin opts to vote in favour of the text before us, despite the flaws that have been stressed by some delegations, in the hope that the opportunity will arise for the declaration to be improved. It is most important to note that the text has numerous imperfections, but that it remains desirable for it to be implemented on an interim basis while improvements are introduced so that it can be endorsed by all delegations.

Mr. Montoya (Colombia) (*spoke in Spanish*): The Colombian State has incorporated into its legal system a broad range of rights aimed at recognizing, guaranteeing and implementing the rights and constitutional principles of pluralism and national ethnic and cultural diversity.

In the framework of its 1991 Constitution, Colombia has distinguished itself as one of the most advanced countries with regard to the recognition of the collective rights of indigenous peoples. According to the indigenous legislation index of the Inter-American Development Bank, Colombia is first in terms of the quality of its legislation in the sphere of cultural, economic, territorial and environmental rights,

as well as in terms of the overall quality of its indigenous legislation.

Our diversity is reflected in the existence of 84 indigenous peoples. According to the 2005 census, some 3.4 per cent of Colombians identify themselves as belonging to indigenous communities. For the Colombian State, the recognition of the traditional territories of those communities is fundamental. Today there are 710 reservations occupying an area of approximately 32 million hectares, corresponding to 27 per cent of the national territory. By the end of 2007, that area should extend to 29 per cent of the national territory. Those properties cannot be proscribed, seized or transferred. Indigenous peoples' access to collective or individual land ownership is regulated by legal and administrative provisions guaranteeing that right, in keeping with the State's objectives and with principles such as the social and ecological functions of ownership and State ownership of the subsoil and non-renewable natural resources.

In these territories, indigenous peoples carry out their own political, social and legal organization. By constitutional mandate, their authorities are recognized as public State authorities having a special nature. As far as the legal area is concerned, a special indigenous jurisdiction is recognized, which is significant progress compared with that made by other countries in the region.

Reservations participate in the central Government's budgetary transfer system. It should also be noted that all members of these communities are covered by the State-subsidized health service. In addition, the law establishes that indigenous peoples are exempt from compulsory military service — an essential provision aimed at preserving their cultural identity. And there are special electoral districts for indigenous peoples in national political elections.

In the international context, Colombia has been a leading country in implementing the prior-consultation provisions of International Labour Organization (ILO) Convention 169, to which our country is a party. Since 2003, 71 prior-consultation proceedings have been undertaken for natural resource prospecting and extraction projects and other development projects in established indigenous territories.

Cooperation with indigenous communities is a priority for the State. In this area, there are permanent forums such as the national coordination board, the national rights commission, the Amazon regional board and the national territories board. Those forums have made it possible to jointly elaborate norms and policies concerning indigenous communities from a multi-ethnic and inclusive perspective.

In order to continue these activities over the long term, the State, with participation by indigenous experts, is currently developing a comprehensive policy for indigenous communities, crucial aspects of which are related to, inter alia, territories, human rights and self-government.

In the General Assembly, Colombia has reaffirmed its commitment to the rights of indigenous communities. My delegation nevertheless supported the initiative to postpone a decision on the Declaration, because we believed that it was important to seek an agreement enabling us to adopt a Declaration acceptable to all countries — a text that would be adopted by consensus and would conform to general international and national normative frameworks. We even supported the establishment of a forum that would have enabled indigenous communities to participate in the discussion. Regrettably, the most recent consultative process in the Assembly was characterized by a lack of transparency, a lack of willingness to negotiate and a lack of openness, which did not permit such a consensus to be reached.

The Colombian constitution and body of law, as well as the international instruments ratified by our country, conform with most provisions of the Declaration on the Rights of Indigenous Peoples. However, while the Declaration is not a legally binding norm for the State and in no way constitutes the establishment of conventional or customary provisions that are binding for Colombia, my delegation finds some aspects of the Declaration to be in direct contradiction with the Colombian internal legal system, which obliged us to abstain in the voting. I shall refer briefly to some of these.

For example, article 30 of the Declaration provides that effective consultations must be held with indigenous communities prior to using their lands or territories for military activities. Under the mandate set out in our constitution, the State security forces must be present throughout the national territory to provide and guarantee to all inhabitants protection of and respect for their lives, honour and property, both individual and collective. Protecting the rights and

integrity of indigenous communities depends to a great extent on security in their territories. In that connection, instructions have been issued to the security forces to fulfil their obligation to protect the rights of such communities. Nevertheless, this provision of the Declaration contradicts the principle of the necessity and effectiveness of the State security forces, preventing the fulfilment of their institutional mission. That is not acceptable to Colombia.

Moreover, articles 19 and 32 of the Declaration refer to consultations to obtain the free, prior and informed consent of indigenous communities before adopting measures that may affect their lands or territories and other resources. In particular, the development, utilization or exploitation of mineral, water or other resources is mentioned.

The right of these communities to prior consultation is defined in our constitution and in ILO Convention No. 169. In that regard, Colombia's Constitutional Court has reiterated in its jurisprudence that there must be compatibility between the exploitation of natural resources and the protection of the social, cultural and economic integrity of indigenous communities. Therefore, it is necessary to guarantee their full, free and informed participation in the decisions taken to authorize such exploitation in their territories.

However, that Court has indicated that, while the Government is obligated to provide effective and reasonable mechanisms for participation, it is not obligatory to reach an agreement. Indigenous peoples' right to consultation is not absolute. Both the Constitutional Court and the ILO Committee of Experts have established that prior consultation does not imply a right to veto State decisions, but that it is an ideal mechanism for enabling indigenous and tribal peoples to exercise the right to express themselves and to influence the decision-making process.

The Declaration's approach to prior consent is different and could amount to a possible veto on the exploitation of natural resources in indigenous territories in the absence of an agreement. That could interfere with processes benefiting the general interest.

Other articles of the Declaration state that indigenous peoples have the right to own, develop and control the territories that they possess by reason of traditional ownership, as well as the underlying natural resources. Other related rights, such as protection against the dispossession of such resources, are also recognized. It is important to stress that many States, including Colombia, constitutionally stipulate that the subsoil and non-renewable natural resources are the property of the State in order to protect and guarantee their public use for the benefit of the entire nation. Therefore, accepting provisions such as those I have cited would run counter to the internal legal order, which is based on the national interest.

Moreover, the Declaration refers to archaeological and historical sites as well as to lands and territories, without clearly defining the concept of indigenous territories, which is relevant to achieving effective protection in terms of the rights of peoples and the obligations of the State.

Finally, Colombia has been and will continue to be a country committed to facts and realities in protecting the rights of indigenous peoples, from a realistic and participatory perspective that harmonizes national identity with the development of the State, to which all Colombians belong. The decision to abstain in the voting on this text because of the legal incompatibilities that I have identified does not change the State's firm national commitment to implementing the constitutional provisions, internal norms and assumed international obligations aimed at preserving the Colombian nation's multi-ethnic nature and protecting its ethnic and cultural diversity.

The President: We have heard the last speaker in explanation of vote.

The Assembly will now take action on draft resolution A/61/L.67, entitled "United Nations Declaration on the Rights of Indigenous Peoples". A recorded vote has been requested.

I call on the representative of Guatemala on a point of order.

Mr. Briz Gutiérrez: (Guatemala) (*spoke in Spanish*): My delegation would simply like to ask the President which delegation requested a recorded vote on draft resolution A/61/L.67.

The President: The representatives of Australia, New Zealand and the United States of America requested a recorded vote on draft resolution A/61/L.67.

We shall now begin the voting process.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Bahamas, Bahrain, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Australia, Canada, New Zealand, United States of America

Abstaining:

Azerbaijan, Bangladesh, Bhutan, Burundi, Colombia, Georgia, Kenya, Nigeria, Russian Federation, Samoa, Ukraine

Draft resolution A/61/L.67 was adopted by 143 votes to 4, with 11 abstentions (resolution 61/295).

[Subsequently the delegation of Montenegro advised the Secretariat that it had intended to vote in favour.]

The President: Before giving the floor to speakers in explanation of vote following the voting, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by representatives from their seats.

Mr. Argüello (Argentina) (*spoke in Spanish*): Argentina was actively and constructively engaged throughout the long process of dialogue, agreement and negotiation that led to today's adoption of the Declaration on the Rights of Indigenous Peoples. When the draft text of the Declaration was adopted by the Human Rights Council, Argentina regretted that it had to abstain in the voting rather than vote in favour — despite our clear political will in favour of recognition of the rights of indigenous peoples and given that the majority of the Declaration's provisions were in line with our own proposals. On that same occasion, we also regretted not having had more time to reconcile references to the right to self-determination with principles pertaining to the territorial integrity, national unity and organizational structure of each State. Fortunately, the efforts made since then to resolve those issues without undermining the rights set out and protected in the Declaration have achieved the expected results. That success was due to the inclusion in paragraph 1 of article 46 of conditions for the application of the Declaration that made it fully compatible with the principles to which I have referred.

It was thanks to those efforts and the results they achieved that Argentina was today pleased to be able to join with all the other countries that voted in favour of the adoption of the Declaration. In doing so, we reaffirmed our commitment in favour of due recognition of the rights of indigenous peoples, which is one of the most legitimate and important questions that the international community must address.

Mr. Shinyo (Japan): It was from the viewpoint of respect for the rights of indigenous peoples that the Government of Japan voted in favour of the Declaration. We would like to state our views on the Declaration.

The revised version of article 46 correctly clarifies that the right of self-determination does not give indigenous peoples the right to be separate and independent from their country of residence and that that right shall not be invoked for the purpose of impairing a State's sovereignty, national and political unity or territorial integrity. The Government of Japan shares that understanding of that right and we welcome the revision.

While the Declaration stipulates that some rights are collective rights, it seems that the concept of collective human rights is not widely recognized as a well-established concept in general international law, and most States do not accept it. Nevertheless, we are fully aware and would like to emphasize that everyone, including indigenous peoples, has fundamental human rights in international law. In that respect, taking note of the thinking at which the Declaration aims, the Government of Japan thinks that indigenous individuals bear the rights contained in the Declaration, and that with regard to certain rights they can exercise them along with other individuals who have the same rights.

The Government of Japan thinks that the rights set out in the Declaration should not harm the human rights of the others. We are also aware that, regarding property rights, the content of the rights of ownership and others relating to land and territory is firmly stipulated in the civil law and other laws of each State. Therefore, the Government of Japan thinks that the rights relating to land and territory set out in the Declaration, as well as the way those rights are exercised, are limited by due reason in the light of harmonizing and protecting third-party interests and other public interests.

Mr. Andereya (Chile) (*spoke in Spanish*): The delegation of Chile voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples, for we recognize the important and valuable contribution of indigenous peoples in building and developing our societies. The Declaration is a significant step in our great national undertaking to build a more inclusive, diverse and tolerant society.

In that context, we would like to reaffirm a crucial principle of our domestic legal system, namely, the need to "respect, protect and promote the development of indigenous people, including their culture, families and communities". That principle underpins the public policies and initiatives we are promoting for the economic, social and cultural development of our indigenous peoples. The Declaration will serve to strengthen those national efforts, which are being carried out through dialogue, respect for our specificities, observance of our international commitments and, in particular, our domestic institutions, rule of law and legal norms. It is that spirit of consensus that is reflected in article 46.

Through her support for the Declaration, President Michelle Bachelet has reaffirmed her firm and resolute commitment to democratic governance and the comprehensive development of indigenous people, all the while respecting their dignity, rights and roots.

Ms. Pierce (United Kingdom): Allow me to say at the outset that we normally would have expected to speak after the representative of the Portuguese presidency of the European Union, but as I understand from the Secretariat, for technical reasons it is not possible for the representative of Portugal to speak before us today. Therefore, allow me to say that we associate ourselves with the statement that will be made by the representative of Portugal.

The United Kingdom welcomes the Declaration on the Rights of Indigenous Peoples as an important tool in helping to enhance the promotion and protection of the rights of indigenous peoples. We recognize that indigenous peoples continue to be amongst the poorest and most marginalized peoples of the world. For too long, their voices were not sufficiently heard within the international system and their concerns received insufficient attention.

The United Kingdom would like to record its regret that it has not been possible to reach wider consensus on this important text and that some States with large indigenous populations have had no recourse but to call for a vote on it. It is of course not desirable, either from the perspective of States or for the interests of indigenous peoples, that this should be the case. Nevertheless, the United Kingdom recognizes and welcomes the efforts that have been made to advance the Declaration to its current final form, reflecting many concerns that we and others had raised in negotiations. We were therefore pleased to be able to support its adoption.

The United Kingdom fully supports the provisions in the Declaration that recognize that

indigenous individuals are entitled to the full protection of their human rights and fundamental freedoms in international law on an equal basis with all other individuals. Human rights are universal and equal for all.

I would like to recall here that, since equality and universality are the fundamental principles underpinning human rights, we do not accept that some groups in society should benefit from human rights that are not available to others. With the exception of the right to self-determination, we therefore do not accept the concept of collective human rights in international law. Of course, certain individual human rights can often be exercised collectively, in community with others. Examples would include freedom of association, freedom of religion or a collective title to property.

That remains a long-standing and well-established position of my Government. It is one we consider to be important in ensuring that individuals within groups are not left vulnerable or unprotected by allowing rights of the groups to supersede the human rights of the individual. That is without prejudice to the United Kingdom's recognition of the fact that Governments of many States with indigenous populations have granted them various collective rights in their constitutions, national laws and agreements, as we have heard today. We warmly welcome this fact, and it has served to strengthen the political and economic position and protections for indigenous peoples in those States.

In this regard, the United Kingdom strongly endorses the twenty-second preambular paragraph of the Declaration, which we understand to distinguish between individual human rights in international law and other, collective rights bestowed at the national level by Governments to indigenous peoples. The United Kingdom wishes to reaffirm that it reads all the provisions in this Declaration in the light of that preambular clause and according to that understanding of human rights and collective rights.

Furthermore, the United Kingdom understands article 46 of the Declaration to underpin the provisions of the Declaration as a whole in emphasizing that the exercise of the rights in the Declaration should respect human rights.

We understand article 3 of the Declaration as promoting the development of a new and distinct right of self-determination, specific to indigenous peoples. We therefore understand the right set out in article 3 of the Declaration to be separate and different from the existing right of all peoples to self-determination in international law, as recognized in common article 1 of the two International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights. Subsequent articles of the Declaration seek to set out the content of that new right, which is to be exercised, where it applies, within the territory of the State and is not intended to have an impact in any way on the political unity or territorial integrity of existing States. The United Kingdom therefore understands that the right put forward in the Declaration relates to the specific circumstances of indigenous people and their claims to self-determination within the territory of existing States.

The United Kingdom welcomes the seventeenth preambular paragraph of the Declaration, which reaffirms the right of all peoples to self-determination in international law. The United Kingdom notes that that affirmation of the general right in international law does not imply that the right of self-determination in international law is automatically applicable to indigenous peoples per se and does not indicate that indigenous peoples automatically qualify as "peoples" for the purposes of common article 1 of the International Covenants. That existing common article 1 right of all peoples is not qualified, limited or expanded by this Declaration.

The United Kingdom fully supports article 15 of the Declaration. United Kingdom museums are keen to promote understanding of the cultural achievements of indigenous peoples in their collections and to encourage tolerance and respect for different cultures.

The United Kingdom also understands the commitments in article 11 to provide redress through effective mechanisms and the commitment in article 12 to seek to enable access and/or repatriation through effective mechanisms as applying only in respect of such property or of such ceremonial objects and human remains as are in the ownership or possession of the State. The United Kingdom notes that its national museums and galleries are separate legal bodies that operate independently within the framework of their founding legislation.

The United Kingdom notes that the commitment to provide redress in article 12 and the commitment to

seek to enable access and/or repatriation in article 13 are to be fulfilled through effective mechanisms developed in conjunction with the indigenous peoples concerned.

The United Kingdom emphasizes that this Declaration is not legally binding and does not propose to have any retroactive application on historical episodes. Nonetheless, it will be an important policy tool for those States that recognize indigenous peoples within their national territories in implementing policies that help to protect indigenous peoples' rights. The United Kingdom confirms that national minority groups and other ethnic groups within the territory of the United Kingdom and its overseas territories do not fall within the scope of indigenous peoples to which this Declaration applies.

The United Kingdom has long provided political and financial support to the economic, social and political development of indigenous peoples around the world. We will continue to do so. Today we add our voice in support of this important political document that is the Declaration on the Rights of Indigenous Peoples. We hope and trust it will provide an important tool for indigenous peoples around the world to advance their rights and ensure their continued development and growing prosperity as peoples.

Mr. Løvald (Norway): The rights of indigenous peoples are of key importance to Norway. We welcome the adoption of the United Nations Declaration on the Rights of Indigenous People, which we believe will help promote the protection of the rights of indigenous peoples worldwide. The Declaration sets a standard of achievement to be pursued in a spirit of partnership and mutual respect. In Norway, we will do this in partnership with Sami people in Norway, who are recognized as indigenous people by the Government.

The recognition of the right to self-determination referred to in this Declaration requires that indigenous peoples have full and effective participation in a democratic society and in decision-making processes relevant to the indigenous peoples' concern. Several articles in the Declaration specify how the right to self-determination may be exercised. The Declaration emphasizes that the right to self-determination shall be exercised in conformity with international law.

Consultation with the peoples concerned is one of the measures outlined in the Declaration. As a State party to International Labour Organization's Convention No. 169, concerning Indigenous and Tribal Peoples in Independent Countries, Norway has implemented the consultation requirements specified in that Convention. Self-determination is furthermore exercised through the Sami Parliament, which is an elected body with decision-making and consultative functions within the framework of the applicable legislation. The Government has also signed an agreement with the Sami Parliament in which it sets out procedures for consultations between the Government and the Sami Parliament.

Norway considers that the Declaration is to be understood within the framework of the United Nations Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by resolution 2625 (XXV) of 24 October 1970.

Mrs. Asmady (Indonesia), Vice-President, took the Chair.

For indigenous peoples, the question of land is an issue that is crucial for indigenous culture and identity. With reference to article 26 of the Declaration before us, we state that, for States parties to International Labour Organization Convention No. 169, the rights concerned must be understood to refer to the rights specified in that Convention. As concerns article 30, Norway intends to continue military activities necessary for upholding general contingency preparedness, including national and allied training and exercises, as we consider these to be justified by a significant threat to public interests.

Ms. Ahmed (Bangladesh): Bangladesh fully supports the rights of any group that is disadvantaged. Our constitution explicitly forbids discrimination on grounds of race, religion, caste, gender or place of birth. Bangladesh adheres to all major international instruments on human rights. In April this year we ratified the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. In all international forums, Bangladesh has always supported the rights of indigenous peoples.

However, in our view, the Declaration on the Rights of Indigenous Peoples, in its present form, retains some ambiguities. In particular, indigenous peoples have not been defined or identified in clear terms. We had also hoped that this political Declaration

would be able to enjoy consensus among Member States, but unfortunately that has not been the case.

Under those circumstances, Bangladesh was obliged to abstain in the vote on the draft resolution.

Ms. Al-Zibdeh (Jordan) (*spoke in Arabic*): The delegation of the Hashemite Kingdom of Jordan voted in favour of draft resolution A/61/L.67, to which the Declaration on the Rights of Indigenous Peoples is annexed. It wishes, however, to explain its vote. In connection with articles 3 and 4, the right of self-determination must be exercised in accordance with the provisions of the Charter of the United Nations and in a manner consistent with the provisions of international law relating to the sovereignty and territorial integrity of States.

Ms. Rovirosa (Mexico) (*spoke in Spanish*): The Mexican delegation hails this very important step forward: the Assembly's adoption of the first universal instrument devoted to the rights of indigenous peoples. The Government of Mexico solemnly reaffirms the pride it takes in the multicultural and multi-ethnic nature of the Mexican nation. As we approach the bicentenary of Mexico's independence, my Government proclaims in this highest forum of humankind its profound gratitude to its indigenous peoples, which form the original foundation of our national identity. As the root-stock of today's Mexico, indigenous peoples bring the extraordinary richness of their social, economic, cultural and political institutions to the inalterable destiny of the Mexican nation as a single and indivisible country.

We welcome the spirit and thrust of the provisions of the Declaration which accord with the provisions of the constitution and laws of the United Mexican States. Article 2 of our constitution recognizes and guarantees the right of indigenous peoples and communities to self-determination and grants them autonomy to, inter alia, determine their internal forms of coexistence and organization and apply their own systems of rules to the settlement of internal disputes. Similarly, indigenous peoples in Mexico possess the right, in accordance with their traditional rules, procedures and practices, to elect their own authorities and representatives for the exercise of their own systems of internal governance. Moreover, our founding charter provides a framework within which to promote equal opportunity for indigenous people and eliminate all discriminatory practices.

Mexico interprets provisions of the present Declaration in the following way. The right of indigenous peoples to self-determination, autonomy and self-government, as set out in articles 3, 4 and 5 of the Declaration, shall be exercised in accordance with the constitution, so as to ensure the national unity and territorial integrity of our State. The provisions of articles 26, 27 and 28 relating to ownership, use, development and control of territories and resources shall not be understood in a way that would undermine or diminish the forms and procedures relating to land ownership and tenancy established in our constitution and laws relating to third-party acquired rights. The procedures set out in articles 27 and 28 are subordinate to national legislation.

Mr. Ritter (Liechtenstein): Liechtenstein has been a long-standing supporter of innovative approaches to the right of peoples to self-determination in order to fully explore the potential of this concept for the promotion and protection of human rights. We are therefore pleased that the Declaration on the Rights of Indigenous Peoples, just adopted, contains a number of provisions which mark an important new step in the way the United Nations deals with the concept of self-determination. The introduction of the right to autonomy or self-government in matters relating to internal and local affairs, including their financial aspect, offers a promising new approach which would help to genuinely address the aspirations and needs of many peoples to create an enabling environment for the full protection and promotion of human rights, without resorting to strife and violence.

It is our understanding that the reference to "political unity" in article 46 of the Declaration does not preclude any gradual granting of increasing levels of self-government to such peoples, which is based on a democratic process and the promotion and protection of minority rights. It does not exclude any democratic decision on the State structure either.

Liechtenstein voted in favour of the Declaration because we are convinced that such innovative concepts are particularly important for harmonious and cooperative relations between the State and indigenous peoples which are beneficial to the promotion and protection of all human rights of indigenous individuals, without any discrimination.

Mr. Park Hee-kwon (Republic of Korea): My Government voted in favour of the Declaration on the

Rights of Indigenous Peoples because of our belief that the Declaration will become an important milestone for the promotion, protection and further enhancement of indigenous peoples' rights. The Declaration is the outcome of more than 20 years of work by indigenous peoples and Member States, including the recent negotiations by the General Assembly at the sixty-first session to address the concerns of all parties, as was well explained by the representative of Peru.

Adoption of the Declaration constitutes a solemn pledge which sends a clear message to the international community for the survival and well-being of indigenous peoples, especially in support, inter alia, of their dwindling cultures and languages and of their right to pursue their vision of economic, social and cultural development.

The Government of the Republic of Korea hopes that adopting the Declaration will contribute to further strengthening the international human rights system as a whole by achieving equality and non-discrimination for all, and especially for marginalized indigenous peoples.

Ms. Ström (Sweden): Like my British colleague, I would like to start by saying that Sweden, of course, aligns itself with the statement to be delivered later by the representative of Portugal on behalf of the European Union presidency.

The Swedish Government is pleased that the United Nations Declaration on the Rights of Indigenous Peoples has finally been adopted by the General Assembly. Sweden supported the elaboration of the Declaration throughout the process and thus voted in favour of the adoption of the resolution. It is our hope that the implementation of the Declaration will improve the situation of indigenous peoples.

The Swedish Government firmly believes that the promotion of the human rights of indigenous individuals contributes to the maintenance and development of multicultural, pluralistic and tolerant societies, as well as to the creation of stable and peaceful democracies built upon effective participation by all groups of society.

The Declaration includes several references to collective rights. The Swedish Government has no difficulty in recognizing collective rights outside the framework of human rights law. However, it is the firm opinion of the Swedish Government that individual human rights prevail over the collective rights mentioned in the Declaration.

The Sami people are recognized as an indigenous people by the Swedish Parliament. The Swedish Government bases its relations with the Sami people on dialogue, partnership and self-determination, with respect and responsibility for cultural identity. The Government looks forward to pursuing a dialogue with Sami representatives on the implementation of the Declaration.

The Sami and other indigenous peoples must have the right to influence the use of land and natural resources that are important for their survival. The political discussion on self-determination cannot be separated from the question of land rights. The Sami's relationship to the land is at the heart of the matter. The Government of Sweden must maintain a balance between the competing interests of different groups living in the same areas of northern Sweden.

During the negotiations regarding the Declaration, Sweden expressed the view that the Declaration must indeed be possible to implement. The Swedish legal system has struck a delicate balance between the rights of its citizens with a Sami background and those with different backgrounds. The areas where the Sami have reindeer herding rights are often owned and used by non-Sami.

Some clarification of Sweden's interpretation of certain specific articles in the Declaration is necessary. The right to self-determination in article 3 should not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principles of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind.

A large part of the realization of the right to self-determination is without doubt possible to ensure through article 19, which deals with the duty of States to consult and cooperate with indigenous peoples. Article 19 can be implemented in different ways, including through a consultative process between institutions representing indigenous peoples and Governments and through participation in democratic systems, such as in the current Swedish system. It does not entail a collective right to veto.

The issue of land rights has different connotations in different States owing to historic and demographic reasons. It is the interpretation of the Swedish Government that the reference to indigenous peoples' rights in articles 26.1, 27 and 28, plus references to ownership and control in article 26.2, in the Swedish context applies to the traditional rights of the Sami people. In Sweden, those rights are called reindeer herding rights and include the right to use land and water for the maintenance by Sami members of reindeer herding communities and their reindeer; the right to reindeer herding; the right to build fences and slaughterhouses for the reindeer; and the right to hunt and fish in reindeer herding areas. In the Swedish context, article 28 does not give the Sami the right to redress for regular forestry by the forest owner. Furthermore, the Swedish Government is of the opinion that its present legal system meets the general requirements in articles 27 and 28 and has presently no intention to adjust Swedish legislation in that regard.

Sweden declares that the lands or territories of indigenous peoples mentioned in article 29.2, article 30 and article 32.2 of the Declaration will be interpreted as such lands or territories that are formally owned by indigenous peoples. Sweden is furthermore of the opinion that article 32.2 shall be interpreted as a guarantee that indigenous peoples must be consulted, not as giving them a right of veto.

It is, furthermore, the Government's understanding that nothing in article 31 conflicts with existing international intellectual property obligations. Measures to recognize and protect the exercise of the rights enumerated in article 31 should be established at the international level and negotiations are currently taking place, inter alia, in the World Intellectual Property Organization's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.

Mr. Punkrasin (Thailand): Thailand voted in favour of the resolution because we are in agreement with the spirit and intent of the United Nations Declaration on the Rights of Indigenous Peoples, as annexed thereto, and in spite of the fact that there is still a number of articles that are of concern to us.

Thailand welcomes the spirit of flexibility and compromise shown by the parties concerned during the process of negotiation. We acknowledge that the Declaration that the General Assembly has just adopted is an improvement on the draft that was put forward to the Third Committee in November last year. In that connection, Thailand wishes to make the following interpretive statement with regard to the adoption of the Declaration in question.

First, Thailand understands that the articles dealing with the right to self-determination and related rights, as enunciated, inter alia, in articles 3, 4, 20, 26 and 32 of the Declaration, shall be interpreted in accordance with the principles of territorial integrity or political unity as stated in the Vienna Declaration and Programme of Action. Article 46, paragraph 1 of the Declaration stipulates in unequivocal terms that the Declaration construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of any sovereign and independent State.

Secondly, Thailand understands that the Declaration does not create any new rights and that benefits, as specified in the Declaration, shall be interpreted in accordance with the Constitution of the Kingdom of Thailand, the domestic laws of Thailand, and international human rights instruments that Thailand is party to.

Last but not least, under the Constitution of the Kingdom of Thailand, every Thai citizen is entitled to equal enjoyment of basic rights and fundamental freedoms, without distinction and regardless of his or her background.

Mr. Tarragô (Brazil): The Brazilian delegation voted in favour of the present resolution, whereby the General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples. That decision is a major achievement, long overdue, that will provide new impetus to and acknowledgement of the efforts of States and indigenous peoples to strengthen the promotion and protection of indigenous peoples' rights.

More than a year has passed since the adoption of this Declaration by the Human Rights Council. It had been our view that the text adopted by the Council, as the rightful and best-placed United Nations organ in which to discuss and elaborate international standards in the field of human rights, should not be reopened for consideration. That notwithstanding, we praised States and indigenous peoples who spared no effort and demonstrated a great deal of flexibility to ensure this memorable result.

Brazil is home to 220 indigenous peoples, who speak 180 languages and whose original rights over their lands and to their cultural identity rely on an extensive legal and institutional framework. Areas dedicated to the exclusive and permanent use of indigenous peoples encompass roughly 12.5 per cent of the whole Brazilian territory.

Brazil takes pride in being a multi-ethnic, multicultural country. The influence of our indigenous peoples is pervasive in our food, language, lore, dances, habits, values and religious manifestations. Their traditional knowledge should also be acknowledged and duly protected, as it holds promising prospects for tackling some of the most pressing issues of the development agenda, such as the protection of biodiversity and the fight against new diseases.

The history of indigenous peoples is marked by centuries of violations of their fundamental rights. Fighting discrimination while increasing the promotion and protection of indigenous rights should be our permanent endeavour, both for ethical reasons and because of the invaluable contributions of indigenous peoples to the material and spiritual life in all our countries. Brazil is certain that the Declaration on the Rights of Indigenous Peoples will play an important role in the promotion of a more harmonious relationship between indigenous peoples and the other segments of the societies in which they live.

Brazil wishes to underscore once again the understanding that presided over the negotiations and that is clearly spelled out in the Declaration: that the exercise of the rights of indigenous peoples is consistent with respect for the sovereignty, political unity and territorial integrity of the States that they inhabit. According to our understanding, the procedures and measures referred to in the Declaration to safeguard that territorial integrity and to determine the relevant public interest are those provided for in the national legislation of each country. While exercising that responsibility, States should always bear in mind their major responsibility to protect the lives and the identity of their indigenous peoples.

The United Nations Declaration on the Rights of Indigenous Peoples is a reaffirmation of the international community's commitment to ensure the enjoyment by indigenous peoples of all human rights and fundamental freedoms.

Mr. Talbot (Guyana): Guyana voted in favour of draft resolution A/61/L.67, by which the General Assembly adopted the Declaration on the Rights of Indigenous Peoples.

Guyana is home to nine distinct Amerindian peoples: the Akawaios, Arawaks, Arekunas, Caribs, Makusis, Patamonas, WaiWais, Wapisianas and Waraus. This month, September 2007, Guyana celebrates Amerindian Heritage Month, an annual tribute to our Amerindian brothers and sisters, the original inhabitants of Guyana, who form an integral part of Guyanese society and whose contributions to the forging of our nation have been and continue to be invaluable.

In supporting the adoption of the Declaration, our delegation was motivated by the commitment, which our Government and people firmly hold, to preserving the dignity and well-being of all peoples and to safeguarding the rights of all our citizens, including the original inhabitants of Guyana, who constitute a significant percentage — indeed, 9.3 per cent — of our population. We were further motivated by the consideration that the Declaration represents a good-faith effort to address the genuine concerns and special needs of indigenous peoples everywhere, many of whom live under conditions of disadvantage and deprivation.

Indeed, Guyana views the adoption of the Declaration as marking an important and historic milestone in recognizing the rights of indigenous peoples and their equal status with all peoples everywhere. We also take note of the fact that the Declaration is political in character, as opposed to being a legally binding document, though not without potential legal implications. We are aware that some of its provisions could give rise to interpretations and expectations that may be out of consonance with its fundamental spirit and intent. My delegation therefore wishes to reserve its position on provisions of the Declaration that we view as unclear or at variance, in effect or interpretation, with our Constitution and laws.

We hope that the Declaration does not become an instrument of division or fragmentation in States or societies or an impediment to the promotion of national unity and social cohesion.

My Government remains committed to advancing the interests and enhancing the welfare of indigenous peoples. At the national level, all citizens, without

distinction, enjoy equal status before the law. However, in recognition of the specific circumstances and needs of Amerindians in Guyana, the Government has taken special measures, including the creation of a dedicated Ministry of Amerindian Affairs, the extension of land reforms, the enactment of an updated Amerindian Act 2006 to take account of current realities, and the establishment of a constitutionally mandated indigenous peoples' provision to provide opportunity for redress in matters pertaining to the rights of Amerindians in Guyana. Those measures have been undertaken through a process that allows for full and active participation by Amerindian communities and representatives.

In light of our commitment, Guyana was hopeful that an opportunity would be provided to allow the adoption of this Declaration by consensus. We find it a great pity that the Declaration, which should have been adopted unanimously, has become the source of division. However, it is Guyana's hope that in the future, the international community will be able to arrive at a position of consensus in ensuring respect for and the promotion of the rights of indigenous peoples.

Mr. Mac-Donald (Suriname): The Republic of Suriname places great importance on the promotion and protection of all human rights and fundamental freedoms, including those of indigenous peoples. With the adoption today of this historic document, the international community came to agreement on principles to govern the rights of indigenous peoples. Suriname voted in favour of the Declaration today. The amendments that were made to the Declaration addressed some of the concerns about several elements included in the original text adopted by the Human Rights Council.

Aware of the fact that indigenous peoples make up a significant part of Suriname's population and contribute to our multi-ethnic, multicultural and multireligious society, we deemed it appropriate to respond positively to the Declaration. The Government of Suriname has a responsibility to all its constituents to prevent the discrimination and marginalization of any group in our society, as well as the responsibility to ensure a just balance between the different ethnic groups. Granting special rights to one part of our population may run contrary to the concept of equal treatment.

On the more substantive issues, I would like to note that, with regard to references to the right to self-determination, the Constitution of the Republic of Suriname recognizes and respects the rights of nations to self-determination and national independence on the basis of equality, sovereignty and mutual benefit. In that regard, it shall not be understood that any group or people has a right to initiate any activity that would jeopardize the territorial integrity or political unity of the State.

With regard to the provisions pertaining to free, prior and informed consent, my delegation would like to state that this concept should not be understood as an encroachment upon the rights and duties of the State to pursue society's interests by developing its natural resources and achieving sustainable development and improving the lives of the population as a whole, and the indigenous part of our people as well.

We accept that a State should seek prior consultations in order to prevent unjustified disregard for human rights. The level, nature and extent of such consultations depend, in every instance, on the specific circumstances. Consultation should not be viewed as an end in itself, but should serve the purpose of respecting the interests of those who have traditionally inhabited and used the land. In that regard, we mean both indigenous and other peoples.

The constitution of Suriname clearly states that

> "Natural riches and resources are property of the nation and shall be used to promote economic, social and cultural development. The nation shall have the inalienable right to take complete possession of the natural resources in order to apply them to the needs of the economic, social and cultural development of Suriname".

We express the hope that all groups in our society will be inspired by this Declaration to follow the path of constructive dialogue and peaceful coexistence. In that regard, we hope that the Declaration will be placed in its correct political context.

Finally, the Republic of Suriname recognizes this document as a political document to express and demonstrate the goodwill of the State regarding the promotion and protection of all human rights and fundamental freedoms, including those of indigenous peoples. We also recognize the Declaration as an instrument for raising awareness and as a reference

document on international issues pertaining to indigenous peoples.

The Acting President: I should like to inform members that, in view of the lateness of the hour, the General Assembly will continue with the list of speakers in explanation of vote following the voting on draft resolution A/61/L.67 this afternoon at 3 p.m. I would also like to inform members that immediately following the adjournment of this afternoon's plenary meeting, there will be an informal segment to hear statements by two representatives of the indigenous community.

The meeting rose at 1.15 p.m.